

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Bipendra Prasad Budakoti
Subedar/Clerk/Army
Eastern Shivpuram, Paniyala Road,
Roorkee, Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Ramnagar, Roorkee, Distt. Haridwar, Uttarakhand

Representation No. 08/2020

Order

Dated:17.06.2020

Being aggrieved with Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum) order dated 11.02.2020 in his complaint no. 02/2020 before the said Forum against UPCL through Executive Engineer, Electricity Distribution Division, Ramnagar, Roorkee, Distt. Haridwar, Shri Bipendra Prasad Budakoti, authorized representative of the consumer Smt. Pushpa Budakoti W/o Shri Bipendra Budakoti R/o Eastern Shivpuram, Paniyala Road, Roorkee (hereinafter referred to as petitioner) has preferred this appeal.

2. The petitioner in his appeal/representation has given references of the correspondence he has made with various authorities from sr. no. 1 to 9. He has mentioned that he had deposited Rs. 12,000.00 as charges for construction of overhead line. He has mentioned that the proposed line was not required for giving connection at his residence. He has submitted that a number of connections to other consumers have also been given from this line which should be removed or Rs. 12,000.00 deposited by him for construction of this line be refunded to him with interest. Ombudsman's order dated 22.04.2019 had to be complied with within 60 days but compliance has not been made within the specified period. Clarification was given by the department on 18.01.2020 subsequent to persuasion with authorities including Hon'ble Prime

Minister office and the Chief Minister. His letter to PMO has been forwarded to Additional Chief Secretary, Secretary Energy and Secretary UERC vide Chief Secretary's letter no. 4655 dated 14.11.2019 for necessary action and in this letter he has been advised to contact the aforesaid officers to the updates of his case. He has further averred that after referring the matter to Superintending Engineer, EDC, Roorkee vide letter dated 05.12.2019 the matter was discussed with him on 03.01.2020 who resolved four of the points of his complaints except the issues which were not within his jurisdiction. The petitioner has adduced a copy of SE's letter no. 44 dated 04.01.2020 in confirmation of the amicable solutions of his complaints with which he was satisfied and assured to maintain cardinal relations with the department in future, but subsequently the complaint was lodged with the Forum. He has made some allegations on the officials of the respondent for not resolving his issues in spite of repeated requests, written and verbal. Earlier to the present complaint before Forum, he had lodged a complaint no. 134/2018 before the Forum which was dismissed vide Forum's order dated 28.09.2018. As his grievance was not redressed by the Forum a petition was preferred before Hon'ble Ombudsman, which was registered as appeal no. 05/2019 and orders were passed on 22.04.2019. The department issued the corrected bill and necessary clarification on 18.01.2020 i.e. after 8 months of Ombudsman's order. He has further stated that he has been harassed right from 2014 to 2020 by not issuing bills timely, sending wrong report to Ombudsman, asking for bribe for giving connection and issuing bill. Having said as above he has requested for the following reliefs.

- i) Rs. 12,000.00 be got refunded.
 - ii) Bill as per metered consumption from 2014 to 2020 be got prepared and issued @ 2.75 per unit. Old damage charges levied from 2014 to 27.01.2020 be withdrawn, electricity duty charged from 2014 to 27.01.2020 be withdrawn. He has been caused financial loss during all this period which may be recovered from the careless and corrupt staff and they should also be punished.
3. The Forum have observed that a complaint no. 134/2018 had been filed by the complainant in past which was allowed partially vide order dated 28.09.2018 against which a representation no. 05/2019 was preferred before Ombudsman, which was

decided by the Hon'ble Ombudsman vide order dated 22.04.2019. They observed that the complainant has submitted that the aforesaid orders have not been complied with in totality. Having observed as above the Forum has referred sub regulation 6 (5) of UERC (Appointment and Functioning of Ombudsman) Regulations, 2004 and have mentioned that the Forum is not competent to hear this matter in view of aforesaid sub regulation and have dismissed the complaint.

4. The respondent, Executive Engineer has submitted a written statement vide letter no. 868 dated 02.03.2020, wherein point wise reply has been submitted as follows:
 - a) Rs. 12,000.00 had been deposited towards the cost of overhead line on 09.06.2014 vide receipt no. 3451909061408050011 in the accounts of the department.
 - b) The JE had framed an estimate for the line under RATDRP system for Rs. 12,000.00
 - c) The Forum had dismissed the petitioner's complaint no. 02/2020 vide their order dated 11.02.2020.
 - d)e)&f) As at sr. no. b) above.
 - g) The SDO of the area had reported vide his letter no. 1122 dated 11.10.2019 that Shri Bipendra Budakoti along with one other person had misbehaved with SDO, Shri Virendra Singh Bisht. Regarding other points, the respondent had submitted that in compliance to Forum order dated 28.09.2018 in complaint no. 134/2018, the LPS from the NR bills had duly been withdrawn.
5. In compliance to Ombudsman's order he has submitted that the SE, EDC Roorkee visited the site on 02.07.2019 and in compliance to his letter no. 906 dated 03.07.2019 sensor entry in ACR of Shri Sunil Kumar, JE for the year 2019-20 has been made and Rs. 2,690.00 have been refunded to Smt. Pushpa Budakoti vide cheque no. 002701 dated 10.07.2019. Further in compliance to Ombudsman's order bills up to the reading 20067 has been revised, wherein after adjusting Rs. 31,513.00 a revised bill for Rs. 98,776.00 had been issued. Further in accordance with SE, EDC Roorkee's order the bill up to 09.01.2020 for the meter reading 29252 for Rs. 88,203.00 has again been revised wherein after giving adjustment for Rs. 8,395.00 a revised bill for

Rs. 79,808.00 was issued and allowed to be paid in 4 installments. New meter has also been installed at the premises of the petitioner. The respondent has further submitted that since date of connection only a sum of Rs. 50,000.00 have been deposited by the petitioner on 26.09.2019. Further a payment of Rs. 76,692.00 was made by cheque which has been dishonoured.

6. The respondent Executive engineer has sent a copy of petitioner's application dated 25.09.2019 for granting him 2 installments and also a copy of office order dated 25.09.2019 granting him of 2 installments or Rs. 50,000.00 and 76,692.00 as per his request.
7. The petitioner has submitted a rejoinder on 16.03.2020 which is a repetition/reiteration of his petition.
8. Hearing in the case was fixed for 09.06.2020. Both parties appeared alongwith their legal counsel/authorized representative. Arguments were concluded with mutual consent.
9. The documents available on the file have been gone through carefully. Relevant UERC (Appointment and Functioning of Ombudsman) regulations, 2004 have also been referred. The compliance report already submitted by Sr. Law Officer, UPCL vide his letter no. 1085 dated 29.07.2019 has also been perused. Arguments from both parties as well as their written arguments submitted during hearing were taken on record and also perused.
10. It is found that this representation does not pertain to a new issue but it is regarding non compliance of Ombudsman's order dated 22.04.2019 passed in her earlier appeal no. 05/2019 in her complaint no. 02/2020 as mentioned in Forum's order dated 11.02.2020 he has requested before the Forum that Ombudsman's order dated 22.04.2019 have not been complied with by the respondent in totality and therefore, its complete compliance be got enforced. In her instant appeal, while so many other points, which all relates to the working as obtaining in respondent's office, causing ,harassment and loss to the petitioner, he has submitted that the Hon'ble Ombudsman's order dated 22.04.2019 have not been complied with completely and that too belatedly after long persuasion. While he is satisfied with Ombudsman's

order dated 22.04.2019, his grievance is regarding delay in implementation of the said order and its non compliance because the order has not been complied with in totality.

11. Whereas the only issue in his complaint before the Forum was regarding non compliance of Ombudsman's order therefore he can only agitate before Ombudsman on that issue only and other issues mentioned in his appeal cannot be considered. Further the issue of non compliance of Ombudsman's order is also not maintainable here before Ombudsman in view of following sub regulations of UERC (Appointment and functioning of Ombudsman) Regulations, 2004
 - a) Proviso 2(1)(o) Provided that the representation does not pertain to the same subject matter for which any proceedings before any court, tribunal, arbitrator or any other authority is pending or a decree or award or a final order has already been passed by any competent court, tribunal, arbitrator or authority.
 - b) 6 (5) Non compliance of Ombudsman's orders shall be in violation of these Regulations and shall be liable for appropriate action by the Commission under section 142 and 146 read with section 149 of the Electricity Act, 2003.
12. In view of above regulations order in the case cannot be passed by the Ombudsman on merits being out of jurisdiction and hence the petition is disposed off without any orders. However as submitted by the petitioner that he has also approached UERC for enforcing compliance of Ombudsman's order dated 22.04.2019 which is the right course of action by him in terms of above mentioned sub regulation 6 (5), he may if so desires, may pursue the matter with the said competent authority. The Forum's order needs not be interfered with being consistent with above mentioned regulation.
13. The delay in disposal of the case, beyond prescribed 90 days period is attributable to Covid-19 lockdowns.

Dated: 17.06.2020

(Subhash Kumar)
Ombudsman